

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

ISMAEL TAMPICO VERDIN,

Plaintiff,

v.

CV 05-1090 JB/CEG

COUNTY OF DONA ANA, et. al.,

Defendants.

AMENDED PROPOSED FINDINGS AND
RECOMMENDED DISPOSITION

This matter is before me on the unopposed Motion for Court Approval of Settlement, which was referred to me by the presiding judge. Three hearings were held on the motion. *See Docs. 25, 32, 37.* Previously, I recommended that the Motion for Court Approval of Settlement be denied because I could not find Plaintiff to be mentally incompetent. *See Doc. 38.* In light of the Supplemental Response filed by the Guardian Ad Litem and the exhibit of Dr. Sosa, I hereby find that Plaintiff is mentally incompetent and recommended that the settlement be approved. *See Doc. 43.* In doing so, I note that the amount of the settlement, \$75,000, and Mr. Egan's fees, 20 percent, are both fair and reasonable. *See Doc. 25.* I also note that the terms conservatorship are in the best interests of the Plaintiff. Additionally, I find that the Guardian Ad Litem's fees are reasonable. Defendants have agreed to pay one-half of the Guardian Ad Litem's fees and, pursuant to the Order Appointing the Guardian Ad Litem, Plaintiff will pay the other half. *See Doc. 17.*

IT IS THEREFORE RECOMMENDED THAT the Motion for Court Approval of

Settlement (Doc. 21) be granted.

THE PARTIES ARE FURTHER NOTIFIED THAT WITHIN 10 DAYS OF SERVICE of a copy of these Proposed Findings and Recommended Disposition they may file written objections with the Clerk of the District Court pursuant to 28 U.S.C. § 636 (b)(1). A party must file any objections with the Clerk of the District Court within the ten day period if that party wants to have appellate review of the proposed findings and recommended disposition. If no objections are filed, no appellate review will be allowed.



UNITED STATES MAGISTRATE JUDGE